IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 10969 of 2007(E)

PETITIONER:

C.A.MOHAMMED, PROPRIETOR,
BLUE QUEEN ENTERPRISES, CHOORI, KASARAGOD.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. THE GENERALA MANAGER,
DISTRICT INDUSTRIES CENTRE, KASARAGOD.

2. THE TAHSILDAR, KASARAGOD.

BY GOVT. PLEADER SRI. C.K.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 10969 OF 2007

Dated this the 4th day of October, 2007

J U D G M E N T

The claim of the writ petitioner is for exemption from sales tax and this benefit he wants to make use for the assessment years 1998-99, 2000-02. In Ext.P1 judgment of this Court, the issue was directed to be considered by the 1st respondent. It is submitted that the 1st respondent has not passed any final order in pursuance to the said judgment. In the meanwhile by Ext.P2, the first respondent has requested the 2nd respondent not to take any action against the petitioner until the application placed before the District Level Committee is disposed of. While the matter stands as above, revenue recovery proceedings have been initiated against the petitioner by Exts. P3 and P11. It is on account of this, that the writ petition has been filed.

2. I have heard the learned Government Pleader also in the matter.

3. It is the admitted position that proceeding pursuant to Ext.P1 are still pending with the 1st respondent and that the 1st respondent has addressed the 2nd respondent by Ext.P2. Therefore, it was not appropriate for the 2nd respondent to have proceeded with the matter

at this stage. In view of this, the writ petition is disposed of with the following directions:

(1) The 1st respondent shall complete the proceedings pursuant to Ext.P1 judgment, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

(2) Until orders are passed as above, further proceedings pursuant to Exts.P3 and P11 shall be kept in abeyance.

Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before the 1st respondent for compliance.

ANTONY DOMINIC, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.8556/01

JUDGMENT

18TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.